UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,143	10/22/1999	JOHN WAINWRIGHT	49658-034	1474

7590   05/31/2007

Moser Patterson& Sheridan, LLP
3040 Post Oak Boulevard
Suite 1500
Houston, TX 77056

EXAMINER
HARRISON, CHANTE E

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
05/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MAILED

MAY 3 1 2007

Technology Center 2600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/426,143
Filing Date: October 22, 1999
Appellant(s): WAINWRIGHT, JOHN

Jon Stewart
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 25, 2006 appealing from the Office

action mailed July 25, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claim 11 appears on page 16 of the Appendix to the appellant's brief. The minor errors are as follows: claim 11 seems to inadvertently include the following text "A method of executing an operation on a set of graphical components" at the end of the claim..

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under

appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-3, 5, 7-14, 16, 18-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over John Merrill et al., U.S. Publication 2002/0008703 A1, 1/2002.

As per independent claim 1, Merrill discloses detecting that a statement contains

an operation identifier, pattern-matching criteria, and attribute identifier...(pp. 13, Para

168-169; pp. 19, Para 324-327), and executing the statement by identifying said set of

graphical components associated with identifiers that satisfy pattern matching criteria

(pp. 20, Para 340), performing the operation on the attribute of each graphical

component in the set of graphical components that satisfy said pattern matching criteria

(pp.7, Para 87-88; pp. 20, Para 341), altering state information corresponding to each

graphical component in said set of graphical components to generate a frame within an

animation (pp. 21, Pare 352, 356, 358, 361).

Merrill fails to specifically disclose a computer-aided design software

environment and a statement that is executed by identifying identifiers and performing

operations on the object.

Merrill teaches a visual basic programming environment which uses an OLE

control as an interface, where the OLE control acts as a thin software layer that

enables programmatic access to the methods and properties of the software objects in

the animation server based on control requests invoked by a user/developer through

creation of an application (pp. 12, Para 150). Merrill also teaches processing a script

that identifies an agent object (i.e. operation identifier) having an associated property

(i.e. attribute identifier) and outputs the behavior (i.e. operation) of the object as

specified by the script command. The citation in Merrill's disclosure corresponding to

the claim feature, executing a statement by identifying all objects associated with

identifiers, is interpreted as having one object identified as associated with identifiers

out of all possible objects.

It would have been obvious to one of skill in the art to incorporate a CAD

environment with the disclosure of Merrill because the visual basic program

environment uses an interface to accept user commands that are used by the program

to manipulate graphical components of objects based on program commands in the

same manner as a CAD program as defined in the background of Applicant's

specification (pp. 2). Additionally, it would have been obvious to one of skill in the art

to incorporate a statement that is executed by identifying identifiers and performing

operations on the object with the disclosure of Merrill because a script is a statement or

collection of statements; and by associating properties with a script that specify

behavior of objects as output corresponds to the statements in the script performing an

operation on the object based on the associated attributes.

As per dependent claim 2, Merrill discloses a first character string containing a

wild card character and that specifies pattern-matching criteria (pp. 10, Para 128, 129;

pp. 13, Para 156 "Clients…access…animation…using…agent object's interface"; pp.

13, Para 169) and that specifies pattern-matching criteria (pp. 20, Para 340).

As per dependent claim 3, Merrill discloses the first string of characters as part of

a second string of characters and the second string of characters including an attribute

identifier in a format that conforms to object-dot notation (pp. 19, Para 324).

As per dependent claim 5, Merrill discloses a scripting language (col. 10, ll. 50-

60) and a script processor (pp. 1, Para 11; Fig. 12).

As per dependent claim 7, Merrill discloses the statement containing pattern

matching criteria for a hierarchical identifier (pp. 11, Para 142).

As per independent claim 8, Merrill discloses identifying an attribute of a member

of a collection of graphical components (pp. 23, Para 419). Claim 8 claims a method as

claimed in claim 1, therefore the rational applied in the rejection of claim 1 applies

herein.

As per dependent claims 9 and 19, Merrill discloses a collection of graphical components is an array (pp. 11, Para 141).

As per dependent claims 10 and 20, Merrill discloses said collection of graphical components (i.e. container objects) includes all instances of a native type (i.e. object properties) of graphical components managed by a CAD system (pp. 11, Para 134; pp. 12, Para 144, Para 150).

As per dependent claim 11, Merrill discloses said native type (i.e. property) is a type of graphical component, wherein the type defines a surface (pp. 9-10, Para 119) "COM interfaces allow the...system to obtain information about the character in general...they provide access to all of the character's properties..." (pp. 11, Para 140 "A property is an attribute, such as a color...").

Merrill fails to specifically disclose a map type of graphical component.

Merrill teaches properties having different types (pp. 11, Para 141), and defining all object attributes including color, which represents the color of the animated object surface.

It would have been obvious to one of skill in the art to incorporate a map type of graphical component with disclosure of Merrill because an object's color attributes define a property of the object surface as does a map type graphical component.

As per independent claim 12, Merrill discloses computer readable medium (pp. 23, Para 420) for performing the method claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein.

As per dependent claims 13-14 and 16, refer to the above rejections as applied to claims 2-3 and 5, respectively.

As per independent claim 18, Merrill discloses computer readable medium (pp. 23, Para 420) for performing the method claim 8. Therefore the rationale applied in the rejection of claim 8 applies herein.

As per dependent claims 21 and 22, Merrill discloses changing the value of another attribute, the other attributes not associated with the identifiers that satisfy said pattern matching criteria (i.e. the action/change of value corresponding to an animated action of one object is controlled/manipulated to result in the synchronization of that object with the graphical component altered as a result of the pattern matching criteria) (pp. 21, Para 356-358).

(10) Response to Argument

Applicant argues cited passages of Merrill do not teach any pattern matching criteria, an operation identifier that specifies an operation and an attribute identifier that identifies an attribute.

In reply, Merrill pp. 3, Para 168-169 describes use of a special bookmark tag to identify in the script for a Speak Statement the object (i.e. agent) for which a speak even will occur. Execution of the Speak Statement causes the object (i.e. agent) to move such that the object (i.e. the displayed animated character, e.g. agent) appears to "say" the text simultaneously displayed on the screen (pp. 13, Para 170). The Speak Statement is an exemplary script format, such as those illustrated at pp. 19, Para 324-327. The illustrated script statements are used to execute operations on the attributes of objects, which the Applicant refers to as graphical components. For example, pp. 19, Para 326, is a script that would execute an operation, such as adjusting a "value", of an attribute, such as "Property" on an object or graphical component that has the text string pattern "agent". Additionally, during execution of the script the system would identify the "object" and create an instance (i.e. a displayable representation) of the agent object (pp. 19, Para 333).

The script statement (pp. 19, Para 326) of Merrill corresponds to the script statement "200" of the Applicant's Fig. 2. Applicant's Specification pp. 12-13, identifies Fig. 2 as depicting statements ("200, 220, 240, 260") that are examples of scripts (Specification, pp. 11, Para 2-3), and that specify an operation to be applied to objects (Specification, pp. 12, ll. 23-25) identified through the use of matching criteria, which is a string of data (i.e. text characters or a word) (Specification, p. 13, Para 8-10). Merrill's script (pp. 19, Para 326) identifies an identifier pattern that specifies pattern matching criteria that matches the text string "agent", which corresponds to Applicant's identifier

pattern specifying pattern matching criteria "box" (Applicant's Fig. 2 "214"). Merrill's

script (pp. 19, Para 326) identifies an attribute, "Property", which corresponds to the

attribute identifier "position" in the Applicant's script statement (Applicant's Fig. 2 "216").

Merrill's script (pp. 19, Para 326) identifies an operation, "value", which corresponds to

the operation identifier "= [0, 0, 0]" in the Applicant's script statement (Applicant's Fig. 2

"212"). Thus, Merrill teaches a script statement (pp. 19, Para 326) that contains pattern

matching criteria, e.g. "agent", an attribute, e.g. "Property", and an operation, e.g.

"value"; and executes the statement by identifying the graphical components matching

the identifiers (i.e. the text strings) (pp. 13, Para 168-169) and performing the operation

(pp. 13, Para 170), such as display of the animated agent object speaking in sync with

the displayed text.

Applicant argues Merrill does not teach pattern matching criteria is used to identify a set

of graphical components.

In reply, Merrill teaches invoking objects, such as agent objects, using the OLE

interfaces (pp. 12, Para 149). Merrill teaches the interfaces provide access to the object

properties, including its name (pp. 9-10, Para 119). Merrill teaches objects have

polymorphic characteristics, which enable interaction with derivations of an object

through a common interface (pp. 10, Para 125). The common interface of the object

corresponds to the base portion of the object name that is used to identify objects and

the derivations correspond to the wild card that is used to identify and interact with other objects having a name including the same base portion. For example, Merrill's script statement (pp. 19, Para 326) identifies a graphical component, "object", that includes a wild card character and which corresponds to the Applicant's wildcard " * " (Applicant's Fig. 2). Applicant's Specification pp. 13, Para 3 and pp. 14 define the wild card as part of the script statement that enables manipulation of graphical components that have the same text string. Merrill's graphical component "object" in the script statement (pp. 19, Para 326) can be any type of object such as a "command" (pp. 12, Para 147-148). Merrill teaches the "command" string has a value (pp. 15, Para 212) and can use different expressions (i.e. wild card commands such as " [ ] ") to cause inclusion or exclusion of acceptable data (pp. 15, Para 219-220). Therefore, Merrill teaches execution of the script statement for each graphical component in a set of graphical components because he teaches manipulating multiple graphical components, i.e. "agent.command", that match the "command" text string that can include wildcards such as " [ ] ".

Based on the above response to arguments, Examiner submits that Merrill suggests the limitation of the Applicant's independent claims 1, 8, 12 and 18. Additionally, Examiner submits that Applicant merely claims identifying and executing character strings of a programming language, which is not novel.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Chante Harrison

Conferees:

Kee Tung

Richard Hjerpe

Kee M. Tung
Primary Examiner